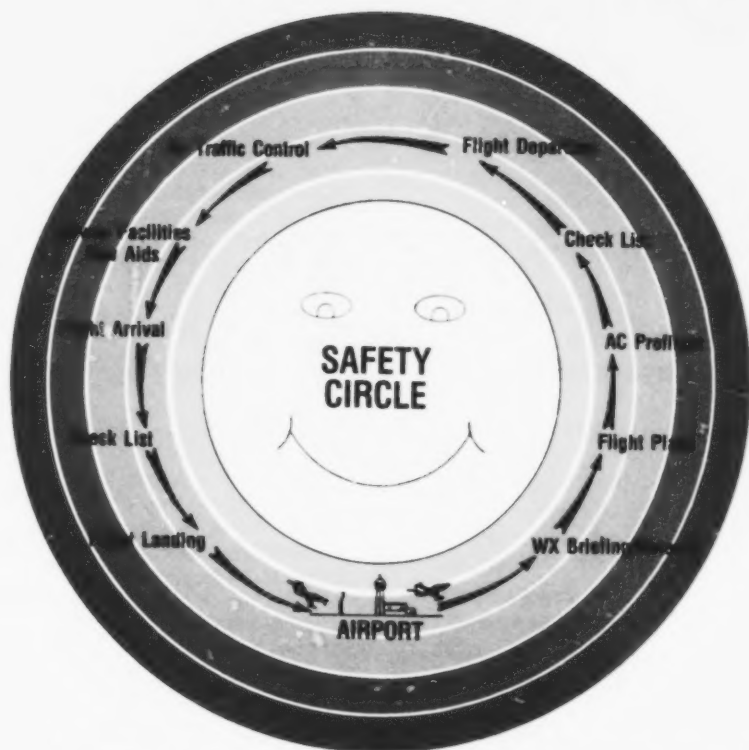


Ai 7/46/990



U.S. Department
of Transportation
**Federal Aviation
Administration**

Airport Safety Alert III



Airport Managers, Pilots, Fixed Base Operators, Tenants, and other airport users...**Be Alert To Identifying And Reporting Existing And Potential Airport Safety Problems.** If in Doubt, Report It! Airport safety doesn't just happen...it requires your help!

DOT/FAA Airports Division
Great Lakes Regional Office
2300 East Devon Avenue
Des Plaines, Illinois 60018

TD 4.2:

**READER
FICHE**

best copy available

**Be
Safety
Conscious!**

**Think
Safety...
Act Safely!**

Owner Liability

Legal Liability of Owners and Operators of Airports for Damages to Third Parties

The business of being an airport owner and operator is not a novel venture. Far from it! This is a significant private commercial activity carried on by responsible people in communities across the country and of major business importance in the case of municipal corporation operations of the "terminal city" type.¹ All of the related industries summed up in the phrase "air transportation" have moved from one positive achievement to another, perhaps most dramatically observed by the public as turbine powered aircraft in increasing numbers were put into service in the work of the airlines. Great strides, too, have been made in general aviation, personal pleasure and business flying, requiring improved and expanded airport facilities. On the negative side air transportation has opened a new field of damage suit litigation for lawyers engaged in a personal injury practice, whether for defendant or plaintiff, a rich new field, indeed, when things go wrong and major air accidents occur.² Airport owners and operators, to be blunt about it, have not been neglected as targets for law suits and should be aware of the actions for a variety of occurrences which have caused damages to persons to whom the airport managers owed a legal duty. This is not to suggest that management in the airport business is not fully conscious of its responsibilities and undertaking them, but it may be useful to step back and take a look at some of the areas of responsibility. A better understanding of the duties imposed by law must lead to a better undertaking of them.

The rules of law governing the liability of owners and operators of airports for damages to persons and property, though comparatively recent in application, are not unique. Owners and operators are liable for all such damage as is caused by their failure to exercise reasonable care. This liability extends not only to lessees, airplane owners, passengers or other persons using the facilities of the airport, but also to spectators, visitors and other members of the

general public who may be on or about the premises. The invitation to use the airport is by no means limited to aviation enterprises, passengers and prospective passengers. The best restaurant in town may be operated by a tenant of the airport and frequently visited by folks on the premises for that purpose alone. It can be broadly concluded that airport operators owe a duty to a wide range of people and litigation may arise from a variety of events occurring on, and off, the airport premises. The principal areas in which litigation is to be apprehended may be summarized under two main headings, and the classifications under these headings should be as follows:

- A. Aircraft Operations—Liability to Bailees, Tenants and Invitees
(Including liability of ramp service operators):
 - Aircraft accidents
 - Fueling
 - Hangarkeepers
 - Loading stand
 - Maintenance and service
 - Rescue
- B. Premise Operations—Liability to Tenants and Invitees:
 - Automobile parking lots
 - Elevators and escalators
 - Police and security
 - Slip and fall
 - Special events
 - Tenants and contractors
 - Vehicles

The issues in the following areas of the law relating to airport owners and operators legal liability are of current interest and at least the substance of the problem will be suggested in the space available:

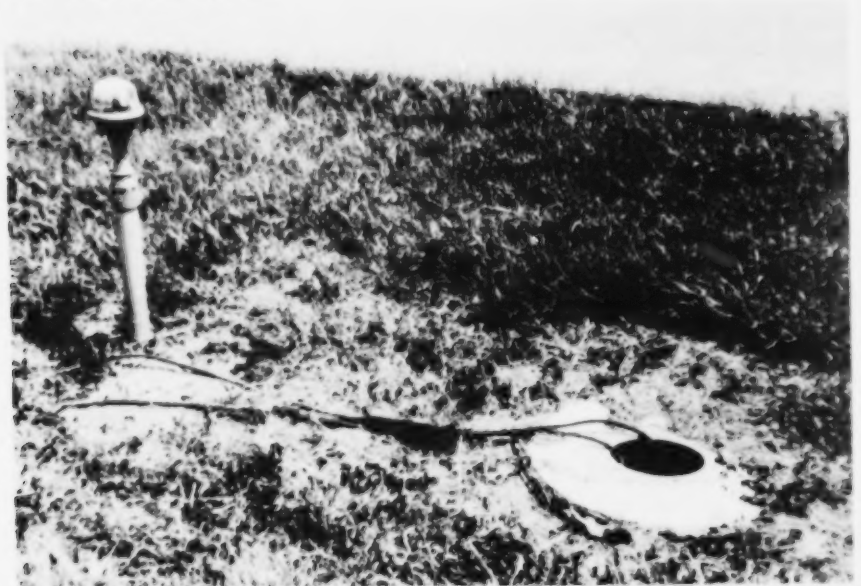
- Governmental v. Proprietary Function
- Statutory immunity
- Indemnity
- Liability to Surrounding Property Owners

¹ From 1948 to 1968 the list of airports on record with FAA has grown from 5,759 to 10,470, FAA Statistical Data Systems Division.

² For example, litigation of cases from the Brooklyn/Staten Island collision of 12/16/60, nearly 200 lawsuits, \$600,000 recovery in one wrongful death case tried to a jury verdict.

Lighting—

Airport lighting requires constant work and innovation. However, exposed wire, non-frangible mounting, open light cans, rock piles, and cave in areas are unacceptable.



But it works and last winter we needed the lights.



**In case of light failure,
look for the rocks.**



**Don't hit the FAA runway
identifier light.**



Advisory Circular

Subject: MAINTENANCE OF AIRPORT
Threshold and Pavement

Date: 8/1/82
Issued by: AAS-201

At: No
Change

PURPOSE: This advisory circular provides recommended guidelines for maintenance of airport thresholds and pavements. Since the function of such pavements is to assist in the safe and efficient movement of aircraft during landing, taxiing, and takeoff, it is essential that a high degree of operating reliability be maintained. To achieve this, it is necessary to establish and maintain an effective preventive maintenance program. This advisory circular provides suggestions on how to develop such a program. Due to the varying conditions of airports and pavements, this advisory circular is intended to help those responsible for airport maintenance. Since corrective and preventive maintenance procedures for pavements and thresholds are covered in detail in other FAA documents, this advisory circular addresses maintenance issues of a more general nature.

1. APPLICATION: All airports. Maintenance Guide for Determining Degradation and Timing of Pavement and Threshold Line Signs, AC 150/5210-10, is applicable.

2. ILLUSTRATION SOURCE MATERIAL: Products shown in the illustrations in this advisory circular are typical examples of past equipment and do not constitute an endorsement of the products by the Federal Aviation Administration or any other product or manufacturer. For information on these illustrations, see the product literature of the products.

3. COMMENTS: Recommendations for the improvement of this advisory circular are welcome and should be forwarded to the FAA, Office of Airport Operations, 800 Independence Avenue, SW, Washington, D.C. 20591.

Federal Aviation Administration
Office of Airport Operations
AAS-201
800 Independence Avenue, SW
Washington, D.C. 20591

Richard E. Muth
Richard E. Muth
Manager, Office of Airport Operations



Watch the nose wheel on the old threshold fixture bases.



What happened here?

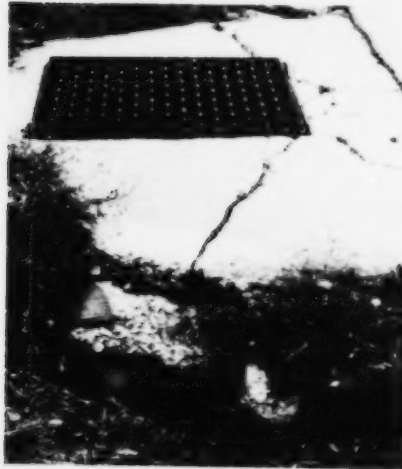
Safety Areas—

Safety areas need to be kept clear of ruts, wash out areas, old barrier fixtures, and elevated manholes. Aircraft inadvertently exiting a movement area would certainly have problems if they encountered any of these unsatisfactory conditions.



Manager—Safety/Standards Branch

"Safety and Capacity go hand-in-hand. We must work together to enhance safety while improving our airport capacity."



Drain repair essential.



Lowering necessary.



Removal required.



Fill required.

Markings —

Airport signs need to be standardized and frangibly mounted. Only signs needed to assist aircrew ground movement should be allowed on the movement area safety areas.

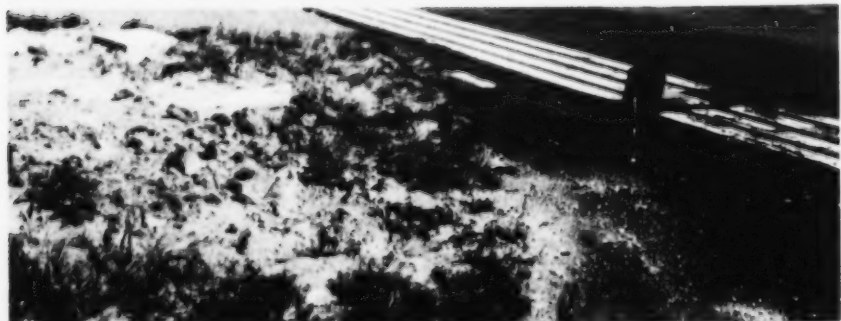


Construction Safety —

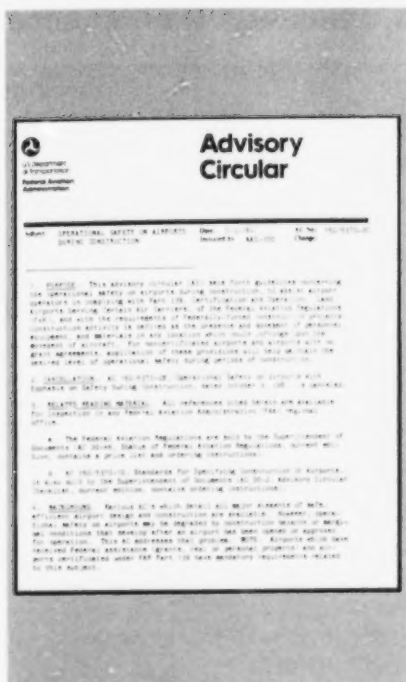
Safety during construction is a major concern on airports:



Proper marking and lighting is essential.



Some types of marking are ineffective and safety areas are destroyed.



Manager—Airports Division

"Airport safety is our business. We can not allow ourselves to become complacent but must continue to work together to ensure the safest air transportation system possible."

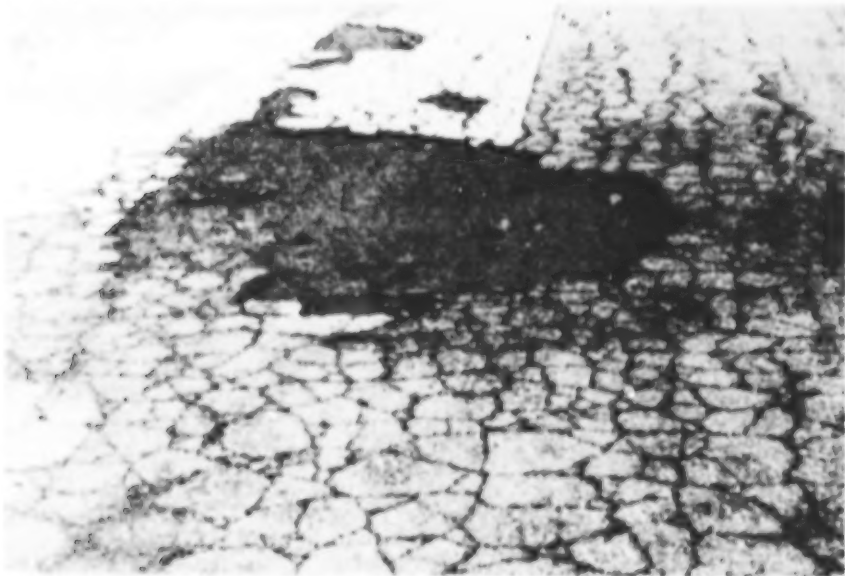


Sometimes it's necessary to use guard posts in highly critical areas.

Pavement Safety Requires Continuous Maintenance



Don't taxi too fast over this pavement and be sure to follow the taxiway centerline!



Can be tough on a propeller of jet engine!



Better taxi slowly.



U.S. DEPARTMENT
OF TRANSPORTATION
Federal Aviation
Administration

**Guidelines and
Procedures for
Maintenance of
Airport Pavements**

Advisory Circular

POOR MAINTENANCE OF AIRPORT PAVEMENTS IS THE RESULT OF A VARIETY OF CAUSES, AMONG WHICH ARE LACK OF FUNDS, UNTRAINED PERSONNEL, AND LACK OF ADEQUATE INFORMATION. THIS ADVISORY CIRCULAR PROVIDES INFORMATION ON SPECIFIC TYPES OF DISTRESS, THEIR PROBABLE CAUSES, INSPECTION GUIDELINES, AND RECOMMENDED METHODS OF REPAIR.



Manager—Planning/Program Branch
"Safety is everybody's business. FAA is just a part of the industry team."

But we filled the crack! Besides, it doesn't affect the controllability of the aircraft.

Bird Hazards —

Birds are nice to watch but a bird strike by an aircraft can ruin one's flight. 28% of reported bird strikes occurred on takeoff, 12% during climb, 22% during approach, and 23% upon landing. 44% involved gulls and 14% waterfowl. Bird strikes cost between \$25 and \$35 million annually.



Advisory Circular

U.S. Department of Transportation
Federal Aviation Administration

Subject: ANNOUNCEMENT OF AVAILABILITY—
BIRD STRIKE INCIDENT/INVESTIGATION
REPORT

Date: 12/4/90
Issued by: AAS-300

AC No: 12123B-12
Change:

1. PURPOSE. This advisory circular (AC) explains the nature of the revision of FAA Form 123B-1, Bird Strike Incident/Investigation Report, and how it can be obtained.

2. FOCUS.

a. A new computerized data base documenting bird strikes became operational in mid-October 1989. This will provide much needed access to information regarding wildlife hazards to aircraft. It can be very difficult to predict bird strikes due to the random nature of these occurrences. With the new computerized data base, the ability to view previous wildlife related occurrences by area, time of day, altitude, and bird species opens a "window" into past events in order to predict the probability of the occurrence of a future incident.

b. In order to load the new data base, many expenditures and many compromises with the existing record-keeping system at the International Civil Aviation Organization (ICAO) in Montreal, Canada, a revised Bird Strike Incident/Investigation Report is being issued. The updated report reproduces the previous edition issued in July 1980.

3. HOW TO ORDER. Copies of FAA Form 123B-1 may be obtained from the Airport Design Office (ADO) in Flight Standards District Office (FSDO) or Air Carrier District Office (ACDO) or Flight Service Station (FSS).

Robert L. Hall
Leonard E. Hall
Director, Office of Airport Safety and Standards



Security Considerations—



A little F.O.D. goes a long way and is tough on jet engines. Keep a lid on it and save an engine life!!



Keep an open mind—and gate—for emergency equipment. Security's one thing and safety is another. Don't lock out emergency vehicles.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Advisory Circular

Subject: ADVISORY CIRCULAR CHECKLIST (and
Status of Other FAA Publications)

Date: 10/15/89
Initiated by: AMS-420

AC No.: 00-23

1. **Purpose.** This circular transmits the revised checklist of Federal Aviation Administration (FAA) Advisory Circulars (AC's). It also lists the current status of certain other FAA publications sold by the Superintendent of Documents, U.S. Government Printing Office (GPO). This checklist is published on an annual basis in October.

2. **Cancellation.** AC 00-22 dated October 15, 1988, is cancelled.

3. **Explanation of AC system.** The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas of the Federal Aviation Regulations (FAR's) (Title 14, Code of Federal Regulations, Chapter I, Federal Aviation Administration). An AC is issued to provide guidance and information in its designated subject area or to show a method acceptable to the Administrator for complying with a related Federal Aviation Regulation.

4. The Advisory Circular Checklist.

a. **General.** The checklist is divided into six appendices. Appendix 1 provides a cancellations and additions listing. Appendix 2 gives information on how AC's relate to the subject areas of FAR's. Appendix 3 shows each circular as it is listed (numerically) within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the issuance date for each circular are shown. A brief explanation of the contents is given for each listing. For cross-referencing purposes an alphabetical section is provided as Appendix 4. To make it easy for the user, a listing of publications sold by GPO is provided in Appendix 5. You'll find it easy to order the desired publications by using the handy

order forms/blanks located in Appendix 6 of this checklist.

b. **Omitted numbers.** In some series, some consecutive numbers are missing. These numbers were assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

5. How to order:

a. **Free Advisory Circulars (AC's).** If no price is listed after the AC, it is free. You can expedite the delivery of your order by using the special order blank in the back of this checklist, Appendix 6 (photocopies are acceptable). Distribution personnel will send up to ten copies of any "free" publication. Higher quantities must be approved by the issuing office. Send your order for "free" AC's to

U.S. Department of Transportation
Utilization and Storage Section,
M-443.2
Washington, D.C. 20590

To be added to or deleted from an AC MAILING LIST, for your convenience, we have included in the back of this checklist (Appendix 6) a "Request For Mailing List Action" sheet. Complete this sheet and mail to:

U.S. Department of Transportation
Distribution Requirements Section,
M-494.1
Washington, D.C. 20590

b. **Publications for Sale.** A list of FAA advisory circulars, directives, and other publications is shown in Appendix 5. All of these publications are for sale by the U.S. Government Printing Office (GPO). With the exception of the Summary of Airworthiness Directives which are available from U.S. Department of Transportation, Federal Aviation Administration (FAA) for GPO. When "(Sub.)" is included with the

CIVIL AIRCRAFT ACCIDENT PLAN

GUIDELINES FOR LOCAL AND STATE AUTHORITIES, CORONERS AND MEDICAL EXAMINERS

RESCUE: The Occupants

GUARD: The wreckage — Allow no one inside the wreckage area other than those necessary for occupant removal, firefighting, and the possible removal of mail and cargo when necessary to protect it from further damage. Items removed for protection must be retained locally for examination by a Federal Air Safety Investigator.

ADVISE: The County Coroner/Medical Examiners — Fatally injured occupants of the aircraft should be held for possible pathological and/or toxicological examination prior to embalmment.

IDENTIFY: The position of fatalities — Prior to removing the remains of fatally injured occupants, tag or otherwise identify each body, and mark its location in the wreckage or on the ground (Photograph in position, if possible).

PERMIT: News Media Coverage — Accredited news media may be permitted to enter and photograph the area as long as the wreckage is not disturbed.

NOTIFY: The local authorities — The Safety Board — the FAA.

**THE NATIONAL TRANSPORTATION SAFETY BOARD IS RESPONSIBLE
FOR INVESTIGATING, DETERMINING PROBABLE CAUSE, AND
REPORTING OF ALL CIVIL AIRCRAFT ACCIDENTS WITHIN THE
UNITED STATES.**

Reference List

1. Paved Areas

AC 150/5320-6, Airport Pavement Design and Evaluation

2. Safety Areas

AC 150/5300-13, Airport Design
AC 150/5320-5, Airport Drainage

3. Marking and Lighting

AC 70/7460-1, Obstruction Marking and Lighting
AC 150/5340-1, Marking of Paved Areas on Airports
AC 150/5340-4, Installation Details for Runway Centerline Touchdown Zone Lighting Systems
AC 150/5340-5, Segmented Circle Airport Marker System
AC 150/5340-14, Economy Approach Lighting Aids
AC 150/5340-17, Standby Power for Non-FAA Airport Lighting Systems
AC 150/5340-18, Standards for Airport Sign Systems
AC 150/5340-19, Taxiway Centerline Lighting Systems
AC 150/5340-24, Runway and Taxiway Edge Light System
AC 150/5340-26, Maintenance of Airport Visual Aid Facilities

4. Snow and Ice Control

AC 150/5200-31, Airport Winter Safety and Operations

5. Aircraft Rescue and Firefighting

AC 150/5200-12, Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident
AC 150/5210-6, Aircraft Fire and Rescue Facilities and Extinguishing Agents
AC 150/5210-7, Aircraft Fire and Rescue Communications
AC 150/5210-15, Airport Rescue & Fire Fighting Station Building Design
AC 150/5210-12, Fire and Rescue Service for Certificated Airports
AC 150/5210-13, Water Rescue Plans, Facilities, and Equipment
AC 150/5210-14, Airport Fire and Rescue Personnel Protective Clothing

6. Hazardous Materials

AC 20-43, Aircraft Fuel Control

AC 150/5230-4, Aircraft Fuel Storage, Handling, & Dispensing on Airports

7. Traffic and Wind

Direction Indicators

AC 150/5340-5, Segmented Circle Airport Marker System
AC 150/5340-23, Supplemental Wind Cones
AC 150/5345-27, Specification for Wind Cone Assemblies

8. Airport Emergency Plan

AC 150/5200-31, Airport Emergency Plan (AEP)
AC 150/5210-2, Airport Emergency Medical Facilities and Services
AC 150/5340-17, Standby Power for Non-FAA Airport Lighting

9. Self-Inspection Program

AC 150/5200-18, Airport Safety Self Inspection

10. Ground Vehicles

AC 150/5210-5, Painting, Marking, and Lighting of Vehicles Used on an Airport
AC 150/5370-2, Operational Safety on Airports During Construction

11. Obstructions

AC 70/7460-1, Obstruction Marking and Lighting

12. Protection of NAVAIDS

AC 150/5300-13, Airport Design
AC 150/5340-1, Marking of Paved Areas on Airports

13. Public Protection

AC 150/5300-13, Airport Design

14. Wildlife Hazard Management

AC 150/5200-32, Airport Wildlife Hazard Management

15. Airport Condition Reporting

AC 150/5200-28, Notices to Airmen (NOTAMS) for Airport Operators

16. Identifying, Marking, and Reporting Construction and Other Unservicable Areas

AC 150/5340-1, Marking of Paved Areas on Airports
AC 150/5370-2, Operational Safety on Airports During Construction
AC 150/5200-28, Notices to Airmen (NOTAMS) for Airport Operators